

REMARKS

Claims 1-13 have been amended to use the word "customer" instead of "user" in the claims. No new matter has been added. Claims 1-13 remain pending in this application.

Applicants respectfully submit that the Notice of Non-Compliant Amendment mailed June 4, 2008 was issued in error. The Notice states that Applicants' prior response was non-compliant because a complete listing of the claims was not presented. However, no amendments were presented in the prior response, and 37 CFR 1.121 does not require a complete listing of claims to be presented when no amendments are presented. Accordingly, Applicants' prior response is compliant.

Claims 1-13 remain rejected under 35 USC 102(b) on Ikeda (US 5,937,391). This rejection is respectfully traversed.

In the Response to Arguments section of the Action, the Examiner indicates that, in connection with claims 1, 5, 9, and 13, "examiner interprets the phrase '*giving source user*' and '*giving destination user*', as Ikeda's '*merchant users*' and '*customer users*' in the online shopping mall. Applicant does not use the word *customer* in the claims....Applicants arguments are narrower than the claims."

Applicants respectfully disagree with the Examiner's interpretation of Ikeda's merchant users as the claimed giving source user. In particular, the previously presented claims required confirming an expiration date of points of the giving source user. Since Ikeda does not disclose or suggest confirming an expiration date of points of Ikeda's merchant users, Ikeda's merchant users cannot be properly interpreted as the claimed giving source user.

Nonetheless, in consideration of the Examiner's remarks and in order to expedite prosecution, Applicants have amended the claims to use the word "customer" instead of "user." This amendment makes clear that the claimed subject matter enables a point giving process between

customers, and is not directed to a point giving process between a store and a customer as judged by the Examiner.

For example, Claim 1, as amended, is directed to management of points provided to a customer comprising a number of elements in combination. The claimed combination includes a confirmation step, a designation acceptance step, a subtraction step and an addition step. The confirmation step confirms an expiration date of a giving source customer's points after accepting a request for giving points from the giving source customer. The number and expiration date of the giving source customer's points are stored in a database. The designation acceptance step accepts from the giving source customer a designation of a number of non-expired points and a destination customer. The subtraction step subtracts the designated number of points from the giving source customer's number of points stored in the database. The addition step adds the number of points to the giving destination customer's number of points stored in the database.

A similar combination of elements, wherein a designated number of points for giving are subtracted from the giving source customer's number of points and added to the giving destination customer's number of points, is neither disclosed nor suggested by Ikeda.

Ikeda discloses a points system provided by an online shopping mall. When a customer makes a purchase at the mall, the system issues points based on the purchase amount. The system also allows a customer to redeem accumulated points in the form of discounts on mall purchases. Issued points are added to a customer's entry in a points management table (FIG. 14, step 24 or step 25), and redeemed points are subtracted from the customer's entry in the points management table (FIG. 14, step 31). However, in no situation does Ikeda allow a customer to give away the customer's own accumulated points to another customer. The points system of Ikeda does not subtract points from a giving customer's account and add those points to a receiving customer's account as claimed.

In the Response to Arguments section of the Action, the Examiner points out that Ikeda allows for donation of points to charity organizations, a member of the customer's family, and other

users. However, in order to enable donation of points, Ikeda only enables a customer to designate, as a point issuing method, a charity or other customer to receive the points that would otherwise have been issued to the customer who purchased goods. Thus, the system of Ikeda is only capable of issuing new points to a designated recipient. In contrast to the claimed subject matter, Ikeda does not involve the technical feature of transferring points that a first customer possesses to a second customer whenever the first customer desires in response to a request input by the first customer. The points system of Ikeda does not subtract points from a giving customer's account and add those points to a receiving customer's account as claimed.

Further, claims 2, 3, 6, 7, 10, and 11 recite the use of groups, which, for example, enable the transfer of points between customers registered in the same group at an arbitrary timing of the customer's request. A similar feature is not disclosed or suggested by Ikeda.


Accordingly, since Ikeda fails to disclose or suggest all of the elements recited in claim 1, the rejection of claim 1 and its dependent claims should be withdrawn. Further, since claims 5, 9 and 13 recite similar combinations, wherein a designated number of points for giving are subtracted from the giving source customer's number of points and added to the giving destination customer's number of points, the rejection of claims 5, 9 and 13 and their dependent claims should also be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 116692004700.

Dated: October 15, 2008

Respectfully submitted,

By 
Alex Chartove

Registration No.: 31,942
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 400
McLean, Virginia 22102
(703) 760-7744